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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1391st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 March 2000, at 3 p.m.

Chairman: Mr. SHERIFIS

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1391/Add.1.

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GE.00-41152 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Initial, second, third, fourth and fifth periodic reports of Bahrain (continued) (CERD/C/353/Add.1/Rev.1)

1. At the invitation of the Chairman, the members of the delegation of Bahrain resumed their places at the Committee table.

2. Mr. ATTIAT ALLAH AL-KHALIFA (Bahrain), after noting the many positive aspects highlighted by the Country Rapporteur with respect to Bahrain's report, said he would endeavour to answer all the queries raised by the Committee. He was pleased to announce that by an Amiral Decree dated 15 March 2000, the Government of Bahrain had ratified the proposed amendment to article 8 of the Convention. The question of making the declaration under article 14 of the Convention would be brought to the attention of the appropriate State bodies through the normal channels. Bahrain's accession to other human rights instruments was a matter which attracted considerable publicity and was of great importance to the Government of Bahrain. Clearly it would take some time before any progress in the area could be seen on account of the lengthy procedures involved.

3. With regard to allegations of human rights violations reported by some non-governmental organizations (NGOs), he stressed that the Government gave due consideration to the many complaints received through the Office of the High Commissioner for Human Rights in Geneva. Most of the complaints were submitted by associations whose main objective was to cause political and social unrest in the country.

4. Both State and civil bodies attached great importance to the status of women in society; many women already held high-ranking posts in the Government and the diplomatic services and more opportunities for them were likely to be opened up in the future. It was possible for women to stand for election in government and local elections. Women also played an important role in the national economy.

5. Although Islam was the State religion in Bahrain, the Government made no distinction between citizens on the grounds of race or religious belief and Bahrain's legal framework guaranteed the basic rights of all citizens without any discrimination.

6. Employees in both the public and private sectors were recruited on the basis of past performance, qualifications and experience, that also applied to the State-run education system.

7. In 1999 several human rights NGOs had sent delegations to Bahrain, including Amnesty International and the Arab Organization for Human Rights. In October 1996 Bahrain had signed a cooperation agreement with the International Committee of the Red Cross, whose representatives frequently visited the country.

8. There were no stateless persons in Bahrain. Practical measures had been taken to grant nationality to the many people who deserved it, through the relevant legal procedures, as was borne out by a statement by the Amir of Bahrain on the subject.

9. Bahraini nationals showed due respect for people of different nationalities working in their country and appreciated the efforts of those who effectively supported the national economy. Foreign domestic staff were ensured the necessary legal protection in the criminal and civil courts. The very few cases of alleged discrimination, notably against women in that category of employees, were dealt with as individual complaints under the relevant legal procedures.

10. In response to comments regarding article 4 of the Convention, he would stress that following a review of its legislation, the Bahrain Government had made provision for all the principles enshrined in that article of the Convention.

11. In conclusion, he thanked the Committee members for a very constructive dialogue, acknowledging their efforts to uphold human rights. He looked forward to meeting them again for the consideration of subsequent periodic reports.

12. Mr. VALENCIA RODRIGUEZ (Country Rapporteur), after thanking the delegation of Bahrain for its replies to the Committee's comments and queries, said he wished to highlight a number of issues that should be taken into account in Bahrain's next periodic report. First and foremost more information should be provided on the composition of the population of Bahrain, with a detailed breakdown according to ethnic origin. Bahrain's legislation also needed to be reviewed to bring it fully into line with the provisions of article 4 of the Convention. With respect to articles 5 and 6, references to the specific provisions of the Constitution would not suffice; details of the practical implementation of those constitutional provisions were also required.

13. More information was needed on the following: the composition, activities and achievements of the newly established human rights committee; associations and clubs set up for foreigners; language teaching in State-run schools for the foreign communities living in Bahrain, and the activities of national and international NGOs active in the country.

14. The Committee should also be kept informed of developments with regard to the amendment to article 8 of the Convention. The Bahraini Government was to be commended for considering the possibility of making the declaration under article 14 of the Convention, since it was entirely at the discretion of States parties. He thanked the delegation for information provided in connection with alleged human rights violations and on the status of women, which had enriched the dialogue. All Committee members had noted with particular satisfaction the State party's flourishing economy, and progress made in the areas of education, culture, employment and health for all.

15. Referring to the point of order raised by Mr. Aboul-Nasr during the previous meeting, he said that in his capacity as Country Rapporteur he had received extensive background information on the State party and, on that basis, had identified a few key issues which, in his view, pertained to racial discrimination and thus fell within the scope of the Convention. He

maintained that some aspects of religion and women's rights were relevant to the Committee's work, particularly in the light of the amendments to its general guidelines regarding the form and contents of reports to be submitted by States parties under article 9 of the Convention. Moreover, he had stated quite clearly that since it was Bahrain's initial report it was important that the Committee be provided with an overview of the human rights situation in the country. Had Mr. Aboul-Nasr studied all the background material available, he might well have drawn the same conclusions and raised the same points.

16. The CHAIRMAN thanked the Country Rapporteur for his analysis of Bahrain's initial to fifth reports. He did not wish the debate on the role of country rapporteurs to be reopened during the current meeting. The Committee had already discussed such matters and had drawn its conclusions. There was general agreement that Committee members should identify their sources of information and abide by the terms of reference laid down in the Convention. Any Committee member who wished to discuss the matter further should do so under a different agenda item at the appropriate time.

17. On behalf of the Committee, he conveyed his thanks to the delegation of Bahrain for the presentation of its reports. Later in the session the Committee would be drafting its concluding observations, which reflected the Committee's collective opinion on the situation vis-à-vis the State party and would include recommendations that should be taken into account in the next periodic report. He looked forward to continuing the dialogue with the Government of Bahrain on a more regular basis in the future, in accordance with article 9 of the Convention.

18. The delegation of Bahrain withdrew.

The meeting was suspended at 3.50 p.m. and resumed at 3.55 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Draft general recommendation on gender-related dimensions of racial discrimination (continued) (CERD/C/56/Misc.21/Rev.2)

19. Ms. McDOUGALL, introducing the draft general recommendation, said that it had been revised in the light of comments made during discussion at an earlier meeting and subsequently submitted by Committee members. She drew attention to three minor editorial amendments required in paragraphs 1, 3 and 6. Subject to those amendments, the revised text should reflect the consensus of the Committee.

20. Mr. ABOUL-NASR said he feared the Committee might appear a little presumptuous if it issued a general recommendation, and that a simple statement might be preferable. In addition, he felt it was important to make clear in the text that the Committee was concerned about the issue of gender specifically as it related to racial discrimination. If adopted as a general recommendation, the document might give rise to some confusion on the part of States, which would not necessarily understand why the Committee was paying special attention to gender issues, a subject not directly linked to its mandate. Why, for instance, would the Committee issue a general recommendation on the gender-related dimensions of racial discrimination, and not on the family-related dimensions, or the plight of children, or the elderly?

21. The CHAIRMAN asked Ms. McDougall if she would agree to change the document from a general recommendation to a statement by the Committee.

22. Ms. McDOUGALL said she felt it was important to maintain the document as a general recommendation.

Paragraph 1

23. Paragraph 1 was adopted.

Paragraph 2

24. Mr. DIACONU felt paragraph 2 was excessively long. He proposed that the sentence which began with "In some societies ..." should be deleted, as it had no direct connection with racial discrimination, and that the last sentence should end after the word "restraints". The rest of that sentence enumerated issues of concern which arose in many societies, without necessarily being related to racial discrimination. Furthermore, the last sentence referred to a lack of access to remedies. Most of the examples given did not constitute remedies per se, but human rights.

25. Ms. McDOUGALL felt that it was important to maintain both passages. The first gave concrete examples and reflected the harsh reality of many women who had been subjected to race-related rape, for example in Bosnia and Kosovo. Although rape was perpetrated on both men and women, women had to live with more dire consequences, not only in terms of possible pregnancy but also insofar as their social status was affected for years to come. The list at the end of the paragraph was important not in that it identified issues inherent to racial discrimination, but because it pointed to the fact that women of certain racial groups faced consequences which were different from those faced by the men of the same racial groups. The men often had fewer restraints or inabilities in pursuing remedies to discrimination.

26. The CHAIRMAN noted that there were already seven speakers who had requested the floor to speak on paragraph 2, and said that it would be desirable for the Committee to adopt the general recommendation from a position of consensus. Although the sponsor of the text might consider that the document would be better with certain passages maintained, he called on her to show a spirit of compromise by taking into account the viewpoints of other members, provided of course they did not undermine the text, so as to ensure that the document would enjoy the support of the entire Committee. That would be in the interests not only of the Committee, but also of the weight given to the general recommendation.

27. Ms. McDOUGALL said that she would like to hear the opinions of the Committee members with regard to the amendments proposed by Mr. Diaconu.

28. Mr. SHAHI said that the first line should be maintained. The fact that women who had been sexually abused were considered unfit for marriage and were ostracized was a real problem in conservative societies. As for the last line of the paragraph, although Mr. Diaconu might have been technically correct, personally he had no strong opinion on the matter, and would go along with the consensus.

29. Ms. JANUARY-BARDILL felt the text should be maintained. By giving concrete examples, the document would be useful for those Governments which had no clear idea of how to recognize racial discrimination from a gender perspective. In general, it was important for the men who sat on the Committee to think about gender as not being restricted to issues involving women. Gender issues involved both sexes, and the gender-related dimensions of racial discrimination could also be a useful tool, for instance, in examining why black men, who were subjected to immense racial discrimination, were the subject of criminalization. That was as much a gender issue as rape.

30. Mr. ABOUL-NASR felt that paragraph 2 was superfluous and added nothing to the methods of work of the Committee. Whenever a problem of the kind to which it referred arose, the Committee brought that problem up in its work, to the extent that it concerned racial discrimination. The Committee appeared to be adopting a general recommendation with the sole aim of satisfying another treaty body. In addition, he failed to see any actual recommendation in paragraph 2. In fact, the only paragraph which contained a recommendation was paragraph 6. Surely the text would be better off as a statement of the Committee.

31. Mr. YUTZIS said that the text addressed the problem of double discrimination, which was of concern to the United Nations in general and the human rights bodies in particular. The inclusion of the examples was not objectionable. Nearly all of them figured in article 5 of the Convention. As for the assertion that the paragraph was too long, he pointed out that General Recommendation XXI on self-determination included long paragraphs, which provided explanations for the benefit of the Committee and the States parties. The text should be adopted as initially proposed by its sponsor.

32. Mr. RECHETOV said that Ms. McDougall had convinced him of the necessity for the document to be adopted specifically as a general recommendation. At the same time, the Committee must act with caution and wisdom. By adopting such a document it was entering the realm of the clash of civilizations. Those who worked with the Committee on the Rights of the Child knew full well about the heated arguments which arose from such a clash. Clearly, the general recommendation before the Committee, unlike others which had been adopted exclusively in the field of racial discrimination, would be the subject of attention and even criticism on the part of others. The Committee was entering a field of competence of other bodies, and in particular the Committee on the Elimination of Discrimination against Women (CEDAW). In addition, the Committee must be particularly careful to avoid any wording which might be used by male chauvinists to justify gender discrimination by calling it a form of racial discrimination.

33. Regarding the proposals put forward by Mr. Diaconu, the sentence beginning with "In some societies ..." should be left in the text, as it covered a problem which was very serious. The examples given at the end of the paragraph should be deleted, however, because of the risk that they might be used by male chauvinists.

34. Mr. BRYDE was against the text being amended as proposed by Mr. Diaconu. He had looked at some of the Committee's other general recommendations and found that it was common for them to conclude with a single paragraph containing the substantive recommendation, following paragraphs containing explanatory text. If Mr. Diaconu's main

concern was that the paragraph was too long, then the Committee might consider shortening it by deleting the passage from "as the result of racial bias-motivated rape" to "and social ostracism", and replacing it with "and in some societies ostracism as a result of race-biased rape". Similarly, he suggested that the final passage of the paragraph might be shortened to read "such as gender-bias in the legal system and discrimination against women in private spheres of life".

35. Mr. de GOUTTES said that the passages should be maintained in full, as they provided explanations concerning the phenomenon of double discrimination. While the clash of civilizations was a real concern and the Committee members had to bear in mind that women's rights, like children's rights, were not the same in different legal systems, a consensus should be found to condemn discrimination against women when their rights were violated not only because of their gender, but also because of their race or ethnicity. Such situations were particularly grave.

36. Mrs. ZOU Deci felt that the text should be adopted as a general recommendation. Although paragraph 2 was somewhat long, it was a very important paragraph, since some explanation of gender-related racial discrimination was required. The contention by Mr. Diaconu that the last part of the paragraph had nothing to do with the sentence's main clause was unfounded. While the list of examples that he proposed to delete did not all relate to remedies, they were all connected with complaint mechanisms, which were also mentioned in that sentence. The paragraph should stand as originally proposed.

37. Mr. PILLAI noted that the first two sentences of paragraph 2 spoke of the same aspects of racial discrimination, and suggested that they should be consolidated and combined. He proposed wording to that effect. He also thought that the sentence beginning with "In some societies ..." could be deleted, as it made no specific reference to racial discrimination. Lastly, he suggested that the word "redressal" should be inserted between "complaint" and "mechanisms" and that the word "restraints" should be replaced by "impediments".

38. Ms. McDOUGALL, responding to the question from Mr. Aboul-Nasr, said that in paragraph 6 the Committee was in fact recommending to States parties that they enhance and particularize their way of thinking when examining questions dealing with racial discrimination. The language used was similar to that of the Committee's General Recommendation XXIII dealing with indigenous peoples, which also called on States parties to develop more refined criteria to identify the victims of racial discrimination in their society.

39. She had consulted the Committee on the Elimination of Discrimination against Women (CEDAW) and the Human Rights Committee and both committees had indicated that they were also considering general recommendations on the same topic and that a general recommendation of the Committee on the Elimination of Racial Discrimination would complement their work.

40. With regard to the question of male chauvinism, she said that unfortunately virtually anything could serve as a pretext for male chauvinism. The Committee's duty was however to confine itself to the framework of the Convention and develop instruments which would ensure a more authoritative interpretation thereof. As for the question of clashes of civilizations, she

noted that the impediments which Mr. Pillai had referred to were widespread, even in societies where women had theoretically been emancipated, since gender bias continued within existing legal systems, preventing women from enjoying equal rights with men.

41. Mr. ABOUL-NASR requested clarification on the meaning of "private spheres of life" and also felt that references to coerced sterilization should include not only indigenous women but also indigenous men.

42. Ms. McDOUGALL said that "private spheres of life" implied anything outside the public domain, i.e. the home and the family. She had mentioned indigenous women because there had been specific examples of such practices. She would, however, be prepared to replace "indigenous women" with "men and women in specific racial groups"; she was also prepared to accept the amendments proposed by Mr. Bryde and Mr. Pillai.

43. Paragraph 2, in its amended version, was adopted.

Paragraph 3

44. Mr. ABOUL-NASR, wondered whether references to gender meant men and women or some broader definition which might include sexual orientation.

45. Ms. JANUARY-BARDILL, supported by Mr. YUTZIS, said that in her experience with the United Nations, references to gender quite clearly meant men and women, and did not include sexual orientation.

46. Mr. PILLAI said that it might be useful to insert "and United Nations bodies" after "the States Parties" in line 4.

47. Mr. RECHETOV said that since the Committee was making a general recommendation, it should be wary of the notion of gender. It was possible to discuss discrimination issues without stressing gender, since in the future a definition might be developed which could pose difficulties in the interpretation of the Committee's recommendations.

48. Ms. McDOUGALL pointed out that gender issues were being integrated into all aspects of the work of the United Nations.

49. Mr. ABOUL-NASR reiterated that no specific definition of gender had been accepted by Member States as yet and the Committee should therefore be clear that the notion of gender, with regard to its work, referred to men and women.

50. Ms. McDOUGALL agreed that references to gender in the general recommendation and in the work of the Committee referred only to men and women.

51. The CHAIRMAN recalled that the only amendment to paragraph 3 had been the removal of the word "any" in line 2.

52. Paragraph 3, as orally revised, was adopted.

Paragraph 4

53. Mr. BOSSUYT, supported by Mr. DIACONU, said that paragraph 4 should contain some reference to the theme of racial discrimination, and suggested that in line 1, after "the Committee", the words "when examining forms of racial discrimination" should be inserted.

54. Mrs. ZOU Deci and Mr. ABOUL-NASR wondered what exactly the term "gender-inclusive language" in line 2 of paragraph 4 meant.

55. Ms. McDOUGALL said that "gender-inclusive language" would involve, where appropriate, saying things such as he/she, and making it clear that the Committee was addressing issues relevant to both men and women.

56. Mrs. ZOU Deci believed that attempting constantly to use gender-inclusive language seemed excessively complicated and she did not feel it was advisable to appear to give women's issues priority.

57. Mr. de GOUTTES pointed out that the French version of human rights, "droits de l'homme", was the term which had been used in 1789 in the Declaration of the Rights of Man and of Citizens and, in the various instruments dealing with human rights. Although it would of course be difficult to modify all the relevant texts, it was currently generally accepted that a more correct translation of human rights would be "droits de la personne humaine".

58. Mr. FALL suggested that in line 2 of paragraph 4, the word "utilize" might be replaced by the word "encourage".

59. Ms. McDOUGALL accepted the amendments proposed by Mr. Bossuyt and Mr. Fall.

60. Paragraph 4, as amended, was adopted.

Paragraph 5

61. Mr. DIACONU suggested rewording the last part of the introduction to paragraph 5 to read: "... the Committee will include in its sessional working methods an analysis of the relationship between"; the enumeration that followed would remain unchanged.

62. Mr. ABOUL-NASR wondered whether the Committee was not already covering the content of paragraph 5 when it considered the reports of States parties under article 5 of the Convention. What did paragraph 5 add to the Committee's working methods?

63. Mr. YUTZIS suggested rewording paragraph 5 (a) to read: "the nature and scope of racial discrimination".

64. Mr. de GOUTTES thought that Mr. Diaconu's suggestion could be improved by rephrasing the last part of the introductory sentence to read: "... an analysis of the relation between gender and racial discrimination by giving particular consideration to"; the enumeration that followed would remain as it stood.

65. Mr. DIACONU said that he had no objection to the proposal by Mr. de Gouttes, although he did not think that it differed from his own suggestion.

66. Mr. RECHETOV proposed rewording paragraph 5 (a) to read: "the form and manifestation of racial discrimination".

67. Ms. McDOUGALL said that she had no objection to the proposals made by Mr. Diaconu and Mr. de Gouttes for the fist three lines and that she preferred Mr. Rechetov's suggestion for paragraph 5 (a). Accordingly, the end of the first part of the paragraph would read: "... an analysis of the relationship between gender and racial discrimination by giving particular consideration to". Paragraph 5 (a) would read: "the form and manifestation of racial discrimination". Paragraph 5 (b), (c) and (d) remained unchanged.

68. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt paragraph 5, as amended.

69. Paragraph 5, as amended, was adopted.

Paragraph 6

70. Mr. RECHETOV noted that the word "ethnicity" appeared for the first time in paragraph 6 and was inconsistent with the term used in paragraph 3, namely "ethnic origin".

71. Mr. BOSSUYT suggested changing "ethnicity" in paragraph 6 to "ethnic origin".

72. Mr. DIACONU suggested that the words "ethnic groupings" should be replaced by "ethnic groups" to reflect the wording to the Convention.

73. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt paragraph 6, as amended.

74. Paragraph 6, as amended, was adopted.

75. The CHAIRMAN said he took it that the Committee wished to adopt the draft general recommendation on gender-related dimensions of racial discrimination (CERD/C/56/Misc.21/Rev.2), as amended, as a whole.

76. The draft general recommendation on gender-related dimensions of racial discrimination (CERD/C/56/Misc.21/ Rev.2), as amended, was adopted as a whole by consensus without a vote.

The public part of the meeting rose at 5.30 p.m.